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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,258

03/09/2004

Pankaj Mehra

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,258	MEHRA ET AL.	
	Examiner	Art Unit	
	Cheryl Lewis	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19, 20, and 27-31 is/are rejected.
- 7) ☒ Claim(s) 1-13 and 21-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the applicants' communication received on May 7, 2007.
2. Claims 1-17, 19-25, and 27-31 are presented for examination.
3. The applicants have amended claim 14 and have cancelled claims 18 and 26. The applicants have also added new claims 27-31.
4. Applicants' arguments with respect to claims 1-17, 19-25, and 27-31 have been considered but are deemed to be moot in view of the new grounds of rejection.

Claim Objections

5. Claims 1, 6, and 21 are objected to because of the following informalities:

The examiner has taken careful consideration into the claim structure and claim limitations presented in independent claims 1, 6, and 21. It is the opinion of the Examiner that independent claims 1, 6, and 21 do not produce a useful, concrete, and tangible result.

Claim 1 states that *one or more non-disk persistent memory units associated with the log writer and configured to receive, from the log writer, audit trail data*. Although, the above recited claim limitations do receive audit trail data, it appears the log writer fails short in actually performing a **write** procedure and/or command that would comprise a useful, concrete, and tangible result. Including a **write** procedure and/or command would provide a manipulation and transformation of data presented in

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the claimed data elements of independent claim 1. Therefore, the Examiner recommends combining dependent claim 4 into the claim limitations of independent claim 1. Dependent claim 4 comprises a **write** procedure, this write procedure is issued by the log writer of independent claim 1. The log writer issues this **write** command to effectively **write** audit trail data to the primary non-disk persistent memory unit and to the mirror non-disk persistent memory unit.

Likewise, for independent claim 6, the Examiner kindly recommends including dependent claim 12 into the claim limitations of independent claim 1.

Claim 21 states *synchronously flushing audit data associated with one or more transactions to said at least two write aside buffers*. Claim 21 does not specifically state what happens to the claim limitations when *synchronously flushing audit data associated with one or more transactions to said at least two write aside buffers*. The result of performing *synchronously flushing audit data associated with one or more transactions to said at least two write aside buffers* is found in dependent claim 24. Dependent claim 24 also should considerably be included in independent claim 21.

The Examiner kindly requests that the applicants take the Examiner's suggested claim objections into careful consideration.

The remaining claims are dependent claims, these dependent claims are dependent on the above objected to base claims. They are therefore objected to for at least the reason set forth above.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14, 27-29, 30, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "wherein the act of writing comprises writing the received data..." and/or "after writing the received data..."

Claims 14 and 30 do not comprise the necessary structural relationships of claimed elements that are presented in the similarity of independent 27-29 and 31. Claims 14 and 30 comprise the (1) receiving and (2) writing steps that are also presented in claims 27-29 and 31. However, Claims 14 and 30 do not comprise the structural relationship elements of "wherein the act of writing comprises writing the received data..." and/or "after writing the received data..." that are presented in claims 27-29 and 31.

Further, for independent claims 27-29 and 31 the Examiner kindly recommends adding a "commit transaction" to the claim limitations for the purposes of adding and keeping consisting within the claim limitations.

The remaining claims are dependent claims, these dependent claims are dependent on the above objected to base claims. They are therefore objected to for at least the reason set forth above.

NAME OF CONTACT

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/

Patent Examiner, A.U. 2167

July 19, 2007